FARAD CONTINUATION SHEET.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION No.8273 OF 2006.

Office Notes,Office Memorandum of Coram apperance,Court's Orders & Directions and Registrar's Order.	: Court or Judge's Order.

Mr. Pankaj J. Das, Advocate for the Petitioner.

Mr. C. M. Lokesh, h/f Mr. G. S. Hegde, Advocate for the Respondent.

CORAM:R.M.S.KHANDEPARKAR,J.

DATED:18TH DECEMBER,2006.

1. Heard.

2. The petitioner challenges the concurrent findings arrived at by the Courts below regarding absence of any unfair labour practice being adopted by the management in the matter of termination of services of the petitioner. The petitioner's services have been terminated on account of rash and negligent driving of the bus and thereby failed to perform his duty in accordance with the rules and regulations in respect of performance of duty of a driver to the bus. The

Revisional Court after taking into consideration all the materials on record has held that the finding arrived at by the Labour Court cannot be found fault with and the said finding has been arrived at after taking note of the fact that the petitioner in reply to the show cause notice had clearly stated that "once on seeing woman coming from front, he put the bus entirely on the side straight and attempted to save her". This particular explanation goes to show that complainant [petitioner] had seen the woman coming from front and has further observed that " it cannot be forgotten that Savita Kumbhar was crossing the road, colluded with the bus in the manner in which she was thrown away about 100 feet. Had the bus at the lower speed impact would have been so much at hundred feet after its dash headlight of the bus was also broken. Its body was severely damaged and one of the indicator was dislocated."

3. In the back ground of these facts, the punishment of termination of

services imposed upon the petitioner cannot be said to be disproportionate to the proved misconduct on the part of the petitioner. In this view of the matter, there is no jurisdictional error committed by the Courts below in dismissing the complaint. There is no case made out for interference in the impugned judgment in exercise of the power of writ jurisdiction under Article 227 of the Constitution. The petition, therefore, fails and is hereby dismissed.

[R.M.S.KHANDEPARKAR,J.]